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| <b>Notification of Non-Compliant Appeal Brief<br/>(37 CFR 41.37)</b> | <b>Application No.</b><br>10/822,115 | <b>Applicant(s)</b><br>STOLOWITZ, MICHAEL C. |  |
|  | <b>Examiner</b><br>CRAIG E. WALTER   | <b>Art Unit</b><br>2188                      |  |

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 04 January 2008 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

/Hyung S SOUGH/  
Supervisory Patent Examiner, Art Unit 2188

/Craig E Walter/  
Examiner, Art Unit 2188

Continuation of 10. Other (including any explanation in support of the above items): Under the heading "Summary of Claimed Subject Matter" (pages 7-10 of the Appeal Brief, hereinafter Brief), Appellant attempts correct the deficiencies set forth in the correspondence mailed 4 December 2007, however Examiner maintains that the Brief is still not compliant since it fails to sufficiently meet the requirements of 37 CFR 41.37(c)(1)(v). More specifically, Appellant merely reproduces each of the independent claims, and provides vague references and generic citations of paragraphs and figures of the specification deemed relevant. Such a presentation fails to constitute "a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters" within the meaning of 37 CFR 41.37(c)(1)(v). Examiner appreciates Appellant's attempt to provide additional citations of the specification to support the claimed subject matter, however these very limited additions fails to cure the deficiencies previously asserted by Examiner. For example, the summary of claim 1 merely relies on support from the specification by citing lines extracted explicitly from the brief summary of the invention (e.g. paragraphs 0008-0010). Appellant is reminded pursuant to 37 CFR 41.37(c)(1)(v), "[w]hile reference to page and line number of the specification requires somewhat more detail than simply summarizing the invention, it is considered important to enable the Board to more quickly determine where the claimed subject matter is described in the application." Examiner contends that reference exclusively to a subset of the disclosure provided in the brief summary of the invention lacks the detail necessary to be considered more than "simply summarizing the invention" (see also MPEP § 1205.02).